

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
JUN 22 2017

UNITED STATES OF AMERICA

§

**SEALED**

§

v.

§

No. 6:17-CR-45

§

(Judge Clark)

§

TOMAS FALCON CASANOVA (01)

§

DENNYS MGUEL ARIAS GONZALEZ (02)

**INDICTMENT**

THE UNITED STATES GRAND JURY CHARGES:

**COUNT 1**

Violation: 18 U.S.C. §§ 1029(a)(3)

and 2

(Possession of Counterfeit and  
Unauthorized Access Devices and  
Aiding and Abetting)

On or about November 5, 2016, in Smith County, Texas, in the Eastern District of Texas, defendants **Tomas Falcon Casanova** and **Dennys Miguel Arias Gonzalez**, aided and abetted by each other, knowingly and with intent to defraud, possessed 15 or more unauthorized access devices, that is credit card and debit card account numbers, said possession affecting interstate commerce.

All in violation of 18 U.S.C. § 1029(a)(3).

## COUNT 2

Violation: 18 U.S.C. §§ 1029(a)(4)  
and 2  
(Possession of Device-Making  
Equipment and Aiding and Abetting)

On or about November 5, 2016, in Smith County, Texas, in the Eastern District of Texas, defendants **Tomas Falcon Casanova** and **Dennys Miguel Arias Gonzalez**, aided and abetted by each other, knowingly and with intent to defraud, possessed device-making equipment as defined in 18 U.S.C. § 1029(e)(6), namely a skimmer, that is a device capable of reading and recording account information, including customer names, account numbers, and personal identification numbers, from credit cards and debit cards, said possession affecting interstate commerce.

All in violation of 18 U.S.C. §§ 1029(a)(4) and 2.

### COUNT 3

Violation: 18 U.S.C. §§ 1028A and 2  
(Aggravated Identity Theft and Aiding  
and Abetting)

On or about November 5, 2016, in Smith County, Texas, in the Eastern District of Texas, defendants **Tomas Falcon Casanova** and **Dennys Miguel Arias Gonzalez**, aided and abetted by each other, did, without lawful authority, knowingly possess a means of identification of another person, that is, access devices, during in and relation to a felony enumerated in 18 U.S.C. § 1028A(c), that is, possession of device-making equipment, a violation of 18 U.S.C. § 1029(a)(4).

All in violation of 18 U.S.C. §§ 1028A and 2.

**NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE**  
18 U.S.C. §§ 982(a)(2)(B) and 1029(c)(1)(C) and 28 U.S.C. § 2461

As a result of committing the offenses as alleged in this Indictment, the defendants shall forfeit to the United States, pursuant to 18 U.S.C. § 1029(c)(1)(C), all personal property used or intended to be used to commit the offense, including but not limited to the following:

- Lenova Ideapad laptop computer, Serial No. PF0JYLWY.
- Two Bluetooth skimmers.

Further, the defendants shall forfeit to the United States any property constituting or derived from proceeds obtained directly or indirectly as a result of the violation pursuant to 18 U.S.C. § 982(a)(2)(B) and 28 U.S.C. § 2461.

If any property subject to forfeiture, as a result of any act or omission by the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty,

the United States shall be entitled to forfeiture of substitute property up to the value of the forfeitable property.

A TRUE BILL

6-22-2017  
Date:

JLD  
GRAND JURY FOREPERSON

BRIT FEATHERSTON  
ACTING UNITED STATES ATTORNEY

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**NOTICE OF PENALTY**

**COUNT 1**

VIOLATION: 18 U.S.C. §§ 1029(a)(3) and (c)(1)(a)(i)

PENALTY: Imprisonment for not more than 10 years; a fine of not more than \$250,000, or twice any pecuniary gain to the defendant or loss to the victim(s); and a term of supervised release of not more than 3 years.

SPECIAL ASSESSMENT: \$100.00

**COUNT 2**

VIOLATION: 18 U.S.C. §§ 1029(a)(4) and (c)(1)(a)(ii)

PENALTY: Imprisonment for not more than 15 years; a fine of not more than \$250,000, or twice any pecuniary gain to the defendant or loss to the victim(s); and a term of supervised release of not more than 3 years.

SPECIAL ASSESSMENT: \$100.00

**COUNT 3**

VIOLATION: 18 U.S.C. § 1028A

PENALTY: Imprisonment of not less than 2 years; a fine of not more than \$250,000; and a term of supervised release of not more than 1 year. This sentence is to run consecutively to any other sentence imposed.

SPECIAL ASSESSMENT: \$100.00